

REGISTER

South Dakota Legislative Research Council



Volume 28

Monday, 8:00 a.m., July 23, 2001

A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council)

Department of Agriculture: (July 17, 2001) intends to adopt a rule to increase farmers' and ranchers' access to capital for investment in more than one eligible, producer-owned cooperative. The general authority for this rule, as cited by the department, is SDCL 38-6-8.1.

A public hearing will be held at the Department of Agriculture, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on Monday, August 27, 2001, at 10:00 a.m. Copies of the proposed rule may be obtained from and written comments sent to the South Dakota Department of Agriculture, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received by September 6, 2001, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-5436 at least forty-eight hours before the hearing.

Department of Game, Fish and Parks: (July 18, 2001) is proposing rules to modify certain areas in the Low Plains Middle Zone by placing them in the Low Plains North Zone, increase the daily and possession limit on certain ducks, remove reference to a repealed regulation, modify portions of counties presently in Dark Goose Unit 2 by placing them in Dark Goose Unit 1, increase the daily limit for certain geese, modify boundaries of Dark Goose Unit 1 to include all of Perkins County, change the zoned waters in the Willow Dam Wildlife Management Area in Brown County to a "no

motor vehicle zone," repeal the "no boating zone" on Reid Lake in Clark County, change the zoned water in Mud Lake in Roberts County to an "electric motors zone," remove reference to a repealed waterfowl refuge, modify the public water safety zones in Potter County at the south East Whitlock boat ramp to "no wake zone" and the north East Whitlock boat ramp to a "no wake zone," permit earlier placement and use of portable tree stands and climbing devices in the earlier hunting seasons, reduce the number of "any deer" and "any whitetail deer" issued for the 2001 Black Hills deer hunting season in Units 402A and 404A, establish Reetz Lake in Day County as a special management water to establish possession and size limit for perch, walleye, sauger, and walleye-sauger hybrids applicable on Reetz Lake, and clarify the permit requirements and provide for better management of the depredation permit pool requirements and selection process. The general authority for these rules, as cited by the department, is SDCL 32-3A-1, 41-2-18, 41-6-29.1, 41-11-5, 41-14-14, and 41-17-1.1.

A public hearing will be held at the Holiday Inn Express in Fort Pierre, South Dakota, on Thursday, August 9, 2001, at 2:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to John L. Cooper, Secretary, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182. Written comments must be received prior to the hearing date. Comments may also be sent by e-mail to chuck.schlueter@state.sd.us. E-mail comments must include the commenter's name and address. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3387 before the hearing.

Department of Commerce and Regulation: Veterinary Medical Examining Board: (July 18, 2001) is proposing rules to provide for certain individuals who are not licensed veterinarians nor veterinary technicians to perform certain veterinary-related tasks on cattle. The general authority for these rules, as cited by the board, is SDCL 36-12-12.

A public hearing will be held at the Best Western Ramkota Inn, Viking Room, Junction Highway 38E and I-29N, Sioux Falls, South Dakota, on Wednesday, August 15, 2001, at 1:30 p.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Veterinary Medical Examining Board, 411 South Fort Street, Pierre, South Dakota 57501. Written comments must be received by August 10, 2001, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 773-3321 at least forty-eight hours before the hearing.

Department of Health: (July 18, 2001) intends to adopt rules to streamline the process of recruiting international medical graduates to medically under-served areas in South Dakota. The general authority for these rules, as cited by the department, is SDCL 36-2-22.

A public hearing will be held in the Health Building, Room 107, 600 East Capitol Avenue, Pierre, South Dakota, on Wednesday, August 22, 2001, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to Colleen Kozel, South Dakota Health Department, 600 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received by September 1, 2001, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3361 at least forty-eight hours before the hearing.

DECLARATORY RULING

The Commission on Gaming has issued a Declaratory Ruling, dated July 6, 2001, relating to the Four Aces Hotel Corporation. The Corporation asked the Commission to determine if the new construction by the Corporation would be considered four buildings for the purpose of determining the number of gaming devices that can be placed there. After considering the evidence and hearing the testimony, the Commission concluded that the new construction would constitute four separate buildings and that 30 gaming devices may be placed in each proposed building.

A copy of this Declaratory Ruling may be obtained from the Gaming Commission and is on file with the Legislative Research Council.

JOINT POWERS AGREEMENT

The Department of Human Services and the Department of Health have filed with the Legislative Research Council a joint powers agreement. The agreement outlines the authority and duty of each department relative to a tobacco prevention and reduction program for the state.

A copy of the agreement is on file with Attorney General's office and the Legislative Research Council.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules:

DEPARTMENT OF GAME, FISH AND PARKS: 141:06:19:04.

History-Notice: 28 SDR 3, July 9, 2001

Hearing: N/A

Filed: July 13, 2001

Effective: July 13, 2001

DEPARTMENT OF AGRICULTURE:

12:44:06:01, 12:53:01:13, 12:53:01:14,

12:53:01:15.01, 12:53:01:15.02, and
12:53:01:03.

History-Notice: 27 SDR 104, April 9, 2001
Hearing: May 7, 2001
Filed: July 19, 2001
Effective: August 8, 2001

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

REMINDER OF HEARINGS SCHEDULED

7-26-2001	Transportation	Amend speed zones in Brown, Charles Mix, Hamlin, Lincoln, and Union Counties; 28 SDR 3.
7-27-2001	Commerce and Regulation: Board of Counselor Examiners	Expand list of qualified supervisors, clarify supervision requirements, add to competency of qualified licensees, increase fees for initial license, renewals, and examination fees, assist licensees in finding continuing education programs, compliance with Code of Ethics; 28 SDR 3.
8-9-2001	Game, Fish and Parks	Modify Low Plains Middle and North Zones, increase daily and possession limit on certain ducks, remove reference to repealed regulations, modify portions of Dark Goose Units 1 and 2, increase daily limit for certain geese, change zoned waters in Brown, Potter, Roberts, and Clark Counties, allow placement of tree stands in earlier hunting seasons, reduce number of deer licenses in Black Hills deer hunting seasons, fish limits on Reetz Lake, depredation permit pool requirements and selection process; 28 SDR 11.
8-15-2001	Commerce and Regulation: Veterinary Medical Examining Board	Provide for veterinary livestock assistants; 28 SDR 12.
8-16-2001	Commerce and Regulation: Division of Securities	Allow banks to conduct brokerage activity, repeal certain

		securities registration provisions and provisions concerning public offerings of securities, require electronic filing of state and federal investment advisers and representatives, revise exemptions from registration for certain securities; 28 SDR 7.
8-22-2001	Health	Streamline process of recruiting international medical graduates to SD; 28 SDR 12.
8-27-2001	Agriculture	Increase farmers' and ranchers' access to capital for investment in cooperatives; 28 SDR 11.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held on Tuesday, August 7 at 9:00 a.m. in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2001 interim: October 8 and November 28.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules. Each agency is requested to provide the LRC with eight copies of the most recent draft of its rules two days before the meeting.

Note: An updated version of the Administrative Rules Guide to Form and Style is now available at the LRC office.

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Subscriptions to Volume 28 are \$20. Make checks payable to "State of South Dakota" and mail to the Legislative Research Council, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Information from the Register is available free of charge on the Internet at <http://legis.state.sd.us>. Subscribe to receive electronic notification of the availability of the **South Dakota Register** at **MyLRC** (<http://legis.state.sd.us/mylrc/index.cfm>).